IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1545 of 2002 (S/B)

Ku. Pushpa Arya,
D/o Sri Govind Ram,
R/o Mukteshwar,
District Nainital. ……. Petitioner

Versus

1. Joint Director,
   Education, Kumaun Division.
   Nainital.
2. District Inspector of Schools,
   Udham Singh Nagar. ……. Respondents

Mr. Yogesh Pandey, learned counsel on behalf of the petitioner.
Mr. J.P. Joshi, learned standing counsel for respondents.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Rajesh Tandon, J.

(Per Hon'ble the Chief Justice)

1. Heard Mr. Yogesh Pandey, Advocate appearing on behalf of the petitioner and Mr. J.P. Joshi, learned standing counsel appearing for respondents.

2. The respondents, who are represented by Mr. J.P. Joshi, learned standing counsel agree to withdraw the impugned order dated 30.10.2002, by which the petitioner was transferred, particularly because that order has already been stayed by this Court for two years time with a result that the petitioner has been able to serve in the same place for two years. He contends that in view of the elapse of two years' time, the order becomes redundant and that he should be allowed to pass a fresh order if there is an administrative exigency for doing so.

3. The request is reasonable. In that view, the learned counsel is allowed to withdraw the order dated 30.10.2002. Once, it is withdrawn, the writ petition becomes infructuous. It is clarified that

the Department, then, may pass any other order, which is felt necessary in view of the administrative exigency.

4. The writ petition is disposed of in the above terms.

(Rajesh Tandon, J.)
14.12.2004

(V.S. Sirpurkar, C.J.)
14.12.2004

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